

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in regular session Tuesday, June 28, 2005 at 7:30 PM in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

**CALL TO ORDER:** Mayor Freschi called the meeting to order.

**ROLL CALL:**

**COUNCILMEMBERS PRESENT:**

Rich Freschi	Mayor
Bob Bell	Councilmember
Bob Fauteux	Councilmember
Rich Ulmer	Councilmember

**COUNCILMEMBERS ABSENT:**

Patricia Bortle	Mayor Pro Tem
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**STAFF PRESENT:**

Ken Domer	City Manager
Len Hampel	City Attorney
Cristina Sundstrom	Deputy City Clerk
Warren Repke	City Engineer
Nancy Desai	City Accountant

**FLAG SALUTE:**

Beverly Ulmer led the flag salute.

**INTRODUCTIONS AND PRESENTATIONS:**

1. Recognition of Cerro Villa Middle School As Recipient of Distinguished School Award.

Mayor Freschi presented a Proclamation to Cerro Villa's principal, Aileen Sterling, and congratulated her, the teachers and staff of Cerro Villa on a job well done in securing the Distinguished School Award for 2005. This was quite an honor due to the fact that, out of the nearly 2,300 middle and high schools in the State, fewer than 465 were eligible and, therefore, invited to apply for this award.

**ORAL COMMUNICATIONS:**

Joseph Cohen, 19312 Canyon Drive, addressed the Council about an issue concerning his property. A map was provided to the Council and City Manager Domer. His property is indicated as the second lot on the map. He explained matters of a pipe, a creek, and

expressed concerns about possible flooding of his property unless the City helps him put in a new pipe, as his neighbor three doors down was assisted by the City. He stated that he would be talking to the City Manager in the next few weeks and hopefully finding a solution. He has already spoken to City Engineer Repke and City Manager Domer.

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Karen Holthe, Vice-President of the Villa Park Community Services Foundation, Inc.'s Board, addressed the Council about three items. First, she wanted to call attention to the fact that the membership drive is in full force and that residents are renewing and joining the Foundation. An all-City mailer was sent out recently and she urged all interested parties to send in their checks to City Hall or use Pay Pal on-line. Secondly, the first high school scholarship interviews will be completed by next week and they anticipate awarding between \$3,000 to \$5,000 total. The Foundation is proud to establish for the first year an annual scholarship program for high school students. And, lastly, she spoke of the importance of volunteerism. Residents may sign up for membership in the Foundation at the Red, White, and Blue Summerfest this Saturday, July 2, 2005 at the Town Center.

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Teri Elmendorf, President of the Villa Park Elementary School Restoration Corporation, addressed the Council about the status of this undertaking. The VPESRC has contracted with 30<sup>th</sup> Street Architects to revise the plans originally drawn up for Orange Unified School District for the restoration of Villa Park Elementary School. This firm has a formidable reputation, including the restoration of the San Juan Capistrano Mission.

Villa Park School was one of the three original schools in Orange County, however, it is the only school still on its original site. Additionally, it has served the community as a meeting hall, Little Theatre, and the meeting place for the Serrano Irrigation District years ago.

It is the only remaining public historical building in Villa Park. The Villa Park Elementary School buildings were deemed State and National treasures when placed on both the National and State Registry of Historical Places. The buildings met all the criteria. The blend of architecture is unique to these buildings. Also, the auditorium, with its retracting wall, is another unique feature.

While the two main reasons these buildings are being restored are to preserve the history of Villa Park and be used for educational purposes by the students of our community, VPESRC also envisions these buildings to be used during after-school hours for community clubs and organizations, Scout meetings, Indian Guides, and for a Little Theatre. When key issues arise with the Serrano Water District, certainly they could return to their original meeting hall to accommodate larger audiences.

To date VPESRC has raised a little over \$100,000. Much of this has gone to the architects, to insurance fees, to mass mailings and to roof repairs. This figure does not include in-kind and pro bono donations.

These buildings bear our City's name but served students from Chapman to Glassell. As well, students were served by these buildings from Villa Park, Anaheim Hills, Orange Park Acres, and Orange. When approaching potential donors, it is beneficial to our organization to be able to show that the City of Villa Park is supportive of our efforts and goals.

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Jill Kuli, VPESRC Fundraising Chair, announced that the public may wish to support the fundraising efforts of VPESRC by passing by their booth at the Red, White, and Blue Summerfest on Saturday, July 2<sup>nd</sup> where they will be selling hats and t-shirts to benefit VPESRC. She urged everyone to support this All-American School House and this All-American Summerfest event.

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Jan Van Emon, 18041 James Road, addressed the Council as City Historian about the upcoming publication of her book on the History of Villa Park. She made a presentation that showed one chapter of the book beginning with when Villa Park was known as Mountain View. She explained that it will be about 260 pages, in double column format (table size), offered in both hard cover and soft cover. It will contain a lot of black and white pictures. Colored photographs are too expensive to publish.

Mayor Freschi asked her when she thought it would be completed and she estimated by August 31<sup>st</sup>. She said there would be a hard cover sign-up sheet starting in August. The cost is still being negotiated.

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Deborah Pauly, 18122 Gloria Circle, addressed the Council about Jan Van Emon's Book Committee and how this is a wonderful way for the community to get involved in this project. She praised Jan Van Emon for her hard work and for welcoming newcomers to help her with this project. Herb Gallegly, also on the Committee, has been volunteering his time to work on the Book.

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### **CONSENT AGENDA:**

1. Consideration to Waive Reading in Full of All Ordinances on the Agenda. Approved Action: That the City Council waive the reading in full of all ordinances on the Agenda.
2. Consideration of City Council Minutes of May 24, 2005. Approved Action: That the City Council approve the City Council Minutes of May 24, 2005.
3. Consideration of List of Demands for May 31, 2005. Approved Action: That the City Council approve the List of Demands for May 31, 2005, numbered 1 through 27 in the amount of \$10,523.33.
4. Consideration of List of Demands for June 28, 2005. Approved Action: That the City Council approve the List of Demands for June 28, 2005, numbered 1 through 23 in the amount of \$156,532.95.
5. Consideration of Agreement Between the City of Villa Park and the City Historian. Approved Action: That the City Council approve the Agreement between the City of Villa Park and the City Historian and authorize the Mayor to execute the Agreement on behalf of the City.
6. Consideration of Waiver of Monthly Fees for Lease Agreement GA 621-2 for the Villa Park Branch Library. Approved Action: That the City Council authorize staff to waive the monthly payments of "Rent, Janitorial, Utility, Maintenance, and Repair" under Section 4 of the Lease Agreement GA 621-2 for the County of Orange's Villa Park Branch Library.

7. Consideration of Agreement for Trauma Intervention Programs, Inc. Approved Action: That the City Council approve the Agreement between the City of Villa Park and Trauma Intervention Programs, Inc. and authorize the Mayor to execute the Agreement on behalf of the City.
8. Consideration of Agreement for Installation of Street Improvements – 19112 Mesa Drive. Approved Action: That the City Council accept the Agreement for installation of street improvements for 19112 Mesa Drive and authorize the Mayor to execute said Agreement.
9. Consideration of Final Parcel Map No. 2004-152 (Location: Northwest corner of Mesa Drive at Loma Street; Applicants: Kevin R. and Clara Carver). Approved Action: That the City Council approve Final Parcel Map No. 2004-152 and accept the Subdivision Agreement.
10. Consideration of Loma Street Easement Storm Drain Repair Agreement with Powell Engineering Construction. Approved Action: That the City Council ratify the Agreement with Powell Engineering and authorize the City Manager to disburse payment up to the contract amount.
11. Action on City Attorney Contract. Approved Action: That the City Council approve legal services contract with Len Hampel of Rutan and Tucker for Fiscal Year 2005-06.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to approve Consent Agenda Items #1, 3, 4, 5, 6, 8, and 10:

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer, Freschi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bortle
ABSTAIN:	COUNCILMEMBERS:	None

Councilmember Bell pulled item #2 since he was absent from the May 24, 2005 City Council meeting.

It was moved by Mayor Freschi, seconded by Councilmember Fauteux, and carried by the following roll call vote to approve Consent Agenda Item #2:

AYES:	COUNCILMEMBERS:	Fauteux, Ulmer, Freschi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bortle
ABSTAIN:	COUNCILMEMBERS:	Bell

Mayor Freschi pulled items #7 and 11 for discussion.

Public testimony was given by a Representative of Trauma Interventions Program, Inc. Leanne Chapman, Community Relations for TIP, Inc. of Orange County, who answered some general questions of the Council about the program and what it takes for the community to avail itself of these services. She reported that residents of Villa Park

used the services 12 times in FY 2004-05. Also, 85% of those calls were related to deaths in the home and the remaining 15% of calls were due to traumas and accidents.

Ms. Chapman explained that TIP is called by either Orange County Sheriff's Department or Orange County Fire Authority. She stated that TIP Teens are very helpful and go through the same rigorous training of 55 hours that adults take.

TIP, Inc. was founded in 1985 by Wayne Fortin in San Diego. Orange County is celebrating its 10<sup>th</sup> year anniversary this year. Citizens helping citizens in crisis is the best explanation of what TIP is.

Mayor Freschi stated that he would like to publicize the benefits of TIP.

Ms. Chapman said that anyone can go to their website at [www.TIPNational.org](http://www.TIPNational.org) for more information. Training sessions start July 14<sup>th</sup>.

It was moved by Mayor Freschi, seconded by Councilmember Fauteux, and carried by the following roll call vote to approve Consent Agenda Item #7:

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer, Freschi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bortle
ABSTAIN:	COUNCILMEMBERS:	None

City Manager Domer pulled item #9 to explain a modification made by City Engineer Repke after recalculating the amount of trail within the subdivision. The portion of the trail that the Carvers are responsible for is shorter than originally calculated. The bond amount of \$73,000 was modified to \$49,000.

Councilmember Fauteux asked why the bond amount decreased. He asked City Engineer Repke if the money spent on trail improvements was a good estimate.

City Engineer Repke responded that he believed the modified amount to be sufficient.

City Manager Domer reported that this bond amount of \$49,000 combined with the \$303,000 already collected in the FY 2005-06 Budget, would go a long way to improving the trails.

It was moved by Councilmember Bell, seconded by Councilmember Ulmer, and carried by the following roll call vote to approve Consent Agenda Item #9 with the modification to the bond amount from \$73,000 to \$49,000:

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer, Freschi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bortle
ABSTAIN:	COUNCILMEMBERS:	None

Mayor Freschi pulled item #11 to discuss City Attorney Hampel's contract for FY 2005-06. He commended Len Hampel and his firm, Rutan and Tucker, for not raising their retainer of \$36,000 per year for the last three years. He stated Rutan and Tucker is one

of the oldest and finest in Orange County and that the City is blessed to have them representing them.

It was moved by Councilmember Bell, seconded by Councilmember Ulmer, and carried by the following roll call vote to approve Consent Agenda Item #11:

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer, Freschi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bortle
ABSTAIN:	COUNCILMEMBERS:	None

**MATTERS PRESENTED BY COUNCILMEMBERS:**

1. Measure M Funds – Mayor Pro Tem Bortle.

City Manager Domer stated that Mayor Pro Bortle took ill and would report on her role on the Measure M Super Committee at the July City Council meeting.

Councilmember Fauteux spoke about other OCTA issues and on the importance of this agency, which has a one billion dollar budget. One big project yet to be decided is the large 91 Corridor project. The work done by the Super Committee and others for OCTA are significant to the entire County.

2. Red, White, and Blue Summerfest Update – Councilmember Ulmer.

Councilmember Ulmer, who spearheaded the Red, White, and Blue Summerfest, thanked realtor Ron Accornero of North Hills Realty for sponsoring the 5K Run/Walk.

The Villa Park Rotary Club and the Villa Park Community Services Foundation, Inc. partnered to make this event possible. Packets are available in City Hall.

Some other sponsors of the Summerfest include: Phil Hurwitz of Phil's 76, Sir Speedy, The Coffee Grove, Scott Waldron of Washington Mutual Home Loans, Larry and Amy Gates, Brett and Denise Bittel of Enterprise Rent-A-Car, Lesslie Giacobbi of Seven Gables Realty, Sherri Moore of Prudential Realty, Dave Noyes of Irvine Lake, and Beverly and Councilmember Rich Ulmer.

The parade will be led by a 1914 Model T Ford and a Fire Engine. A Country Western Band will start playing around 11 a.m. and the event will finish with a performance by the Celebration U.S.A. singers led by Paula Burton. Councilmember Ulmer stated that more volunteers are needed.

3. Kelo v. New London Supreme Court Decision – Councilmember Bell.

Councilmember Bell discussed the recent Supreme Court decision regarding Eminent Domain and his opposition to the Supreme Court Justices' recent decision.

Councilmember Bell instructed City Manager Domer and City Attorney Hampel to craft a Resolution showing Villa Park's opposition to this Supreme Court Decision and bring it back to the Council at the July 26, 2005 City Council meeting.

**CITY COMMISSION AND COMMITTEE REPORTS OR REFERRALS:** None.

**ITEMS FOR CONSIDERATION:**

1. Appointment of City Treasurer of the City of Villa Park and Consideration of Resolution No. 2005-2825 and Rescinding Resolution No. 2004-2772.

Deputy City Clerk Sundstrom received two applications to be considered for the position of City Treasurer. Mr. Bharat Patel, a C.P.A. living at 10251 Sherwood Circle, was invited to this meeting so that the Council could be introduced to him, however, he did not attend. Incumbent Treasurer Kuli sent the Council a letter serving as his application for the position, in which he expressed his desire to serve another year as City Treasurer.

The Council discussed the possibility of Mr. Patel being made aware of serving on the Investment Advisory Committee when a position is open and that he be encouraged to apply for City Treasurer again. Councilmember Fauteux suggested that staff convey this message to Mr. Patel.

It was moved by Councilmember Bell, seconded by Councilmember Ulmer, and carried by the following roll call vote to adopt Resolution No. 2005-2825, a Resolution of the City Council of the City of Villa Park, appointing Dennis Kuli as the City Treasurer of the City of Villa Park and rescinding Resolution No. 2004-2772:

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer, Freschi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bortle
ABSTAIN:	COUNCILMEMBERS:	None

**PUBLIC HEARINGS:**

1. Consideration of Conditional Use Permit No. 0621 for remodel of an existing two-story house with a new roof height exceeding 25 feet of 27 feet 5 inches (Location: 19141 Ridgeview Road; Applicants: Malki and Ajath Moonesinghe).

Mayor Freschi opened the Public Hearing.

City Manager Domer reported that the applicant is requesting permission to exceed a height limit of 25 feet for a roof line for a new roof height of 27 feet 5 inches for a remodel of an existing two-story home and addition of 343 square feet. The home is on a slight slope, giving the proposed house an average roof height of 27 feet with a maximum from lowest grade of 30 feet 6 inches.

The home is located in the E-4 residential zone. With the proposed addition, the lot coverage is 19.6% and floor area ratio is 24.5%. Both are within allowable parameters. The request for height allowance is due to a small, third floor addition which is architecturally designed into the front of the home above the entry and will be used as a library.

The Villa Park Municipal Code requires a Conditional Use Permit for the addition of a second story exceeding 25 feet.

Based on a review of the application, the proposed project complies with height, lot coverage, floor area, and setback requirements as stipulated in the Villa Park Zoning Code.

It is recommended that the City Council conduct a Public Hearing, review the application, and make appropriate findings thereto.

The applicant's architect, Mike Masilotti, 28273 Via Fierro, Laguna Niguel, was present to answer any questions of Council.

City Manager Domer stated that one resident came in to City Hall to express being in favor of the project.

Councilmember Ulmer remarked that the residents in the house above the Moonesinghes favor the remodel.

Councilmember Bell stated that he does not believe the project will offend anyone. He clarified that this project will make the home a split level, not a third story or third level home.

Mayor Freschi stated that he, too, likes the project.

Mayor Freschi closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Councilmember Ulmer, and carried by the following roll call vote to adopt Resolution No. 2005-2826, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0621 for the remodeling and addition of an existing home for a maximum ridgeline of 27 feet 5 inches, with conditions (Location: 19141 Ridgeview Road; Applicants: Malki and Ajath Moonesinghe):

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer, Freschi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bortle
ABSTAIN:	COUNCILMEMBERS:	None

2. Consideration of Variance No. 0622 for a 7 foot encroachment in a required 14 foot side yard setback area (Location: 9911 Briley Way; Applicant: David Bodourian).

Councilmember Fauteux excused himself from the room because he lives within 300 feet of the project.

Mayor Freschi opened the Public Hearing.

City Manager Domer reported that the applicant is requesting permission to encroach 7 feet into the required side yard setback of 14 feet. The applicant proposes to convert an existing garage into a guest bedroom and single space garage, construct an additional garage with two stalls and bonus room to the south of the current house, and a master bedroom suite on the north side of the property. This action will add 2,015 square feet to the current 2,788 square foot house for a new total of 4,803. The proposed addition will

bring the floor area ratio up to 23% and lot coverage ratio to 27% - both within code requirements. The variance request is based on the fact that this property is one of two properties along Taft Avenue which are 7 feet shallower due to the widened condition of Taft Avenue. From a review of City maps and the area, these two parcels are the only two with this condition.

A Variance is required for any reduction in a required setback area.

This corner lot (9911 Briley Way) is improved with a single-family residential dwelling. The proposed encroachment is towards Taft Avenue.

Side yard setbacks in the E-4 Small Estate Zone are determined based on an average lot width and are represented as 10% of that average lot width with a minimum setback of 10 feet and a maximum setback of 20 feet. Based on calculations for the required setback, the property has a setback of 14 feet.

Based on a review of the project application, the proposed addition meets the requirements of height, lot coverage, and floor area, however, the structure does not meet the objectives of the Villa Park Zoning Code with respect to setback requirements, necessitating the request for a Variance.

Staff recommends granting the Variance.

Public testimony was given by the applicant's architect, Marco Fernandez of Long Beach, who was present to answer any questions of Council.

Councilmember Ulmer asked whether the applicant purchased his home knowing the property's side yard setback is 14 feet.

Councilmember Bell stated that he was slightly opposed to the setbacks. He stated further that it could be a good project but that he was uncomfortable with the way this is being done and that he believes this is not the current owner's (Bodourian's) fault.

Further testimony was given by Jeff Huber, 9912 Verde Lomas Circle, who lives behind Mr. Bodourian, stated that he came to the meeting to gather more facts about the project.

City Manager Domer reported that Dennis DeSnoo, a resident, called in to City Hall to express his support of the project.

City Attorney Hampel states that in order to grant the variance, a unanimous vote (of 3) is necessary.

City Engineer Repke gave a brief overview on Taft Avenue having been an arterial highway originally on the County Master Plan of Arterial Highways.

Mayor Freschi asked City Engineer Repke whether only 2 lots (including the applicant's) are affected by the widened condition of Taft Avenue.

City Engineer Repke responded that he was not certain if there are more than 2 lots affected.

Mayor Freschi closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Councilmember Ulmer, and carried by the following roll call vote to adopt Resolution No. 2005-2827, a Resolution of the City Council of the City of Villa Park, approving Variance No. 0622 for a 7 foot encroachment in a required 14 foot side yard setback area, with conditions (Location: 9911 Briley Way; Applicant: David Bodourian):

AYES:	COUNCILMEMBERS:	Bell, Ulmer, Freschi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bortle
ABSTAIN:	COUNCILMEMBERS:	Fauteux (recused)

3. Consideration of Approval of the Statement of Investment Policy.

Mayor Freschi opened the Public Hearing.

City Accountant Desai reported that pursuant to the California Government Code, the City is required to adopt a Statement of Investment Policy annually. The Statement of Investment Policy was adopted on January 9, 1996 and was revised on April 23, 2002. A Public Hearing is required prior to the adoption of the policy by the Council.

The Investment Advisory Committee met on April 27, 2005

It was moved by Councilmember Fauteux, seconded by Councilmember Bell, and carried by the following roll call vote to approve the Statement of Investment Policy and adopt Resolution No. 2005-2828, a Resolution of the City Council of the City of Villa Park, adopting the investment policy and guidelines and procedures investment of City funds:

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer, Freschi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bortle
ABSTAIN:	COUNCILMEMBERS:	None

4. Consideration Sewer Pump Station Maintenance Charges for FY 2005-06 for Tracts 10523 and 13204 and First Reading of Ordinance No. 2005-510.

Mayor Freschi opened the Public Hearing.

Councilmember Fauteux asked City Attorney Hampel why the assessment can't be done for three years instead of annually.

City Attorney Hampel responded that the County Auditor-Controller needs this information with an Ordinance stating the fee (currently \$950.00) on an annual basis.

Mayor Freschi closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to accept for First Reading Ordinance No. 2005-

510, an Ordinance of the City Council of the City of Villa Park, prescribing and levying charges for maintenance of a sewage pumping station for Fiscal year 2005-06, approving and adopting report and providing for collection of charges on the tax roll:

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer, Freschi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bortle
ABSTAIN:	COUNCILMEMBERS:	None

5 Consideration of Resolution No. 2005-2823, a Resolution of the City Council of the City of Villa Park, adopting the budget, appropriating revenue, and establishing the appropriations limit for FY 2005-06.

Mayor Freschi opened the Public Hearing.

City Manager Domer and City Accountant Desai were available to answer any budget questions of the Council.

Councilmember Ulmer commended new City Manager Domer and City Accountant Desai for their diligence in getting through a tough transition period since City Manager Rodericks departed in mid-May.

City Manager Domer stated that an Agreement with VPTV will be presented to the Council at the July 26, 2005 City Council meeting for a loan in the amount of \$50,000 from the General Fund. An additional amount of VPTV's share of franchise fees (58%) equals \$5,000 is included in this year's budget.

Public testimony was given by Vaughan Sarkisian, 10572 Potter Circle, who spoke about the 5-year Strategic Budget Plan. He told the Council that he believes Capital Improvement plans are very important. He likes the strategic goals stated in Villa Park's budget plan and thinks the Council should adhere to them.

Mr. Sarkisian stated further that he and his neighbors are not in favor of imposing a sewer fee on the residents.

Mayor Freschi closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to adopt Resolution No. 2005-2823, a Resolution of the City Council of the City of Villa Park, adopting the budget, appropriating revenue, and establishing the appropriations limit for FY 2005-06 and authorizing a Budget allocation of \$50,000 out of the General Fund to Villa Park Cable Television for studio remodeling costs:

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer, Freschi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bortle
ABSTAIN:	COUNCILMEMBERS:	None

**STAFF REPORTS:**

City Manager:

1. Oral Update Re: Consideration of Villa Park Women's League Donation of \$2,000 for a Bus Bench at Santiago/Wanda Road and Alternate Locations.

City Manager Domer reported that the Villa Park Women's League (VPWL) has donated \$2,000 for a bus bench at Santiago Boulevard/Wanda Road at the bus stop near the entrance to the Villa Park Orchards homes and a bench south of at a site selected by the City.

In his research, City Manager Domer discussed that a bench can be purchased for less than \$1,000 and that the donation would allow the additional purchase of a trash receptacle. A cement pad is necessary to take it off the city's street.

Mayor Freschi stated that he believes the VPWL ought to have a say in the design, etc. of the bench.

Councilmember Fauteux asked why this matter isn't referred to the Community Development/Public Safety Committee. He and Councilmember Ulmer would like this Committee to make a recommendation for action to the Council.

City Attorney:

1. Oral Update Re: Adelphia Cable T.V.

City Attorney Hampel reported that the Memorandum of Understanding envisioned Adelphia applying for a ten-year renewal of the Franchise Agreement. This has not been done, and consequently the current Agreement is about to expire. Time Warner Cable has been approached by Adelphia to approve a Resolution transferring control to Time Warner Cable. The Cities of Anaheim and Fullerton face the same situation as we do. City Attorney Hampel recommended sending the proposal to the Public Utilities Committee and return to Council at a later date after Anaheim and Fullerton have completed their transfers.

Adelphia's attorney, Martha Hudak, who was present in the audience, stated that Adelphia has done its due diligence by drafting a Resolution approving the transfer of control to Time Warner Cable.

City Attorney Hampel will be meeting with Attorney Hudak and her boss to discuss delaying action until we see how Anaheim and Fullerton fair in about 2 months. Bill Morticorena is the City's chief negotiator.

Mayor Freschi concurred that the City should wait until Anaheim and Fullerton take action.

City Clerk: No report.

City Engineer:

1. Authorization to Advertise for Construction Bids for the Cannon Street Wall and Slope Repair.

City Engineer Repke reported that in January, 2005 a portion of the Keystone Retaining Wall and adjacent slope on the west side of Cannon Street, south of Loma Street, failed. A geotechnical evaluation of the failure including recommendations for repair was completed in April, 2005. Design of the wall and slope repair was commenced upon receipt of the geotechnical report.

An evaluation of alternative wall types to replace the damaged wall indicated replacement of the Keystone Wall with design modifications would be the most economical repair method.

The proposed project consists of the following major elements:

- Removal of damaged wall and failed soil materials for approximately 200 linear feet;
- Repair of the slope;
- Construction of a new Keystone Retaining Wall;
- Re-landscaping of the slope;
- Restoration of the Recreation trail.

The plans and specifications are currently being completed and the following schedule is anticipated:

July 21, 2005	Advertise for Construction Bids
August 11, 2005	Open Bids
August 23, 2005	Award Contract
September 15, 2005	Start Construction
December 1, 2005	End Construction

Estimated project costs are \$400,000. It is anticipated that FEMA and OES will reimburse the City for approximately 93.75% of the eligible project costs. Eligible items of work are presently being discussed with FEMA and OES.

The 2005-06 budget includes \$30,000 for the City's share of the cost.

It is recommended that the City Council approve the plans and specifications and contract documents entitled, "Cannon Street Wall and Slope Repair" and authorize the City Engineer and City Clerk to advertise for construction bids.

It was moved Councilmember Fauteux, seconded by Councilmember Ulmer, and carried by the following roll call vote for the City Council to approve the plans and specifications and contract documents entitled, "Cannon Street Wall and Slope Repair" and authorize the City Engineer and City Clerk to advertise for construction bids:

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer
NOES:	COUNCILMEMBERS:	None

ABSENT: COUNCILMEMBERS: Bortle, Freschi  
ABSTAIN: COUNCILMEMBERS: None

**OTHER BUSINESS:** None.

**ORAL COMMUNICATIONS:** None.

**ORDINANCES:**

1. Introduction and First Reading of Ordinance No. 2005-509, an Ordinance of the City Council of the City of Villa Park Adding Article 19-6 to the Villa Park Municipal Code Relating to Turn Limitations.

City Manager Domer reported that the right turn limitations become officially codified upon the adoption of Ordinance No. 2005-509.

Public testimony was given by Deborah Pauly, 18122 Gloria Circle, who asked about a possible grace period before the Sheriff's Department starts giving out tickets to the residents. She asked if it would be possible to give a warning to the public.

City Manager Domer responded that he would put the information out over the E-Network and hope that the residents would learn of the new Ordinance that way. Also, it was brought to her attention that the Ordinance Summary was published in the Orange County Register.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to accept the second reading and adopt Ordinance No. 2005-509, an Ordinance of the City Council of the City of Villa Park, adding Article 19-6 to the Villa Park Municipal Code relating to turn limitations:

AYES: COUNCILMEMBERS: Bell, Fauteux, Ulmer, Freschi  
NOES: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: Bortle  
ABSTAIN: COUNCILMEMBERS: None

**RESOLUTIONS:**

1. Consideration of Resolution No. 2005-2824, a Resolution of the City Council of the City of Villa Park, Regarding Employment and Salary Rates for All Classes of Employment Superseding Resolution No. 2004-2769.

It was moved by Councilmember Bell, seconded by Councilmember Ulmer, and carried by the following roll call vote to adopt Resolution 2005-2824, a Resolution of the City Council of the City of Villa Park, regarding employment and salary rates for all classes of employment superseding Resolution No. 2004-2769:

AYES: COUNCILMEMBERS: Bell, Fauteux, Ulmer, Freschi  
NOES: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: Bortle  
ABSTAIN: COUNCILMEMBERS: None

**CLOSED SESSION:** None.

**ADJOURNMENT:**

It was moved by Mayor Freschi and carried unanimously to adjourn the meeting at 9:35 p.m.

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Richard A. Freschi, Mayor  
City of Villa Park

**ATTEST:**

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Kenneth A. Domer, City Clerk  
City of Villa Park